

REMARKS

Claims 1-9, 11-24, 26-38, 40-57 and 59-99 are pending in this application. By this Amendment, claims 1, 16, 34, 49, 68 and 85 are amended. The amendments introduce no new matter. Claims 10, 25, 39 and 58 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 16-32 and 49-67 under 35 U.S.C. §112, first paragraph. Claims 16 and 49 are amended to obviate this rejection. Reconsideration and withdrawal of the rejection of claims 16-32 and 49-67 under 35 U.S.C. §112, first paragraph, are respectfully requested.

The Office Action rejects claims 10, 25, 39 and 58 under 35 U.S.C. §112, second paragraph, as being redundant with the subject matter of claims 1, 16, 34 and 49, respectively. The cancellation of claims 10, 25, 39 and 58, render this rejection moot.

The Office Action rejects claims 16-26, 28-41, 43-60, 62-67 and 85-97 under 35 U.S.C. §102(b) over U.S. Patent No. 4,821,751 to Chen; rejects claims 85-99 under 35 U.S.C. §102(e) over U.S. Patent No. 6,491,041 to Okamoto; rejects claims 1-10, 13-15, 27, 42, 61, 68-78, 81-84 and 98 under 35 U.S.C. §103(a) over Chen; and rejects claims 1-7, 9-12, 15, 68-76, 78-80, 83 and 84 under 35 U.S.C. §103(a) over U.S. Patent No. 5,699,925 to Petruzzi. These rejections are respectfully traversed.

Claims 16, 34 and 49 recite, among other features, the axis of rotation of the hinges being not parallel to each other. Chen discloses a receptacle for cosmetics comprising a plurality of housings 1, 2, 3, 4 which are stacked on top of each other, with hinge collars 22, 32, 42 all engaged with a single axle 13 for pivotal movement, and having therefore, a single axis of rotation.

Claims 16, 24 and 49 recite, among other features, that the axis of rotation in the hinges are not parallel to each other. Support for such features can be found at least in Figs. 1 and 6 and paragraph [0058] of the disclosure. Chen cannot reasonably be considered to teach, or to have suggested, at least this feature.

Accordingly, reconsideration and withdrawal of the rejection of claims 16, 34 and 49 under 35 U.S.C. §102(b) over Chen are respectfully requested.

Claim 85 recites, among other features, a receptacle comprising a receptacle body and a closure cap configured to be removably fixed to the receptacle body, the closure cap comprising at least two containers each containing a product or an application member, and configured in such a manner as to be superposable on a stacking axis; and at least one hinge enabling one of the containers to be pivoted relative to the other(s), at least partially, about an axis of rotation that is not parallel to the stacking axis, each container defining a housing, the receptacle body being of a different shape than the containers.

The device of Chen comprises a single axle 13 made of one piece with the base plate 1. All the cosmetic plates 2, 3 and 4 are attached to said axle 13, by the hinge collars 22, 32, 42 as is the upper lid 5.

Although each cosmetic plate 2, 3 or 4 can be detachable from the base plate 1, if one cosmetic plate is detached from the base plate 1, it can no more form a unit with the other cosmetic plates or the upper lid 5, in order to constitute a closure cap as claimed in claim 85.

As such, Chen teaches away from a receptacle comprising a receptacle body and a closure cap configured to be removably fixed to the receptacle body, the closure cap comprising at least two containers, as recited in claim 85.

On the contrary, Chen discloses a cosmetic case comprising a base plate 1, a plurality of cosmetic plates 2, 3, 4 and a closure cap 5 deprived of such containers.

Accordingly, reconsideration and withdrawal of the rejection of claim 85 under 35 U.S.C. §102(b) over Chen are respectfully requested.

Okamoto discloses a container having a cap container 8 storing a nail cream 11 and a main container body 3 storing a nail enamel. The cap container 8 has a lid 13 that is hollow and has an air vent 14, which is not configured for storing a product or an applicator member. For example, the hollow lid is not configured to store product as the product would fall through the air vent and mix with the nail cream 11. Also, any applicator member that was inserted into the air cavity of the lid would not be accessible. Finally, Okamoto teaches away from interfering with the air vent 14 that is used to prevent adhesion of the nail cream 11 to the lid 13 and allow the lid 13 to fit in the space 10 smoothly. As such, Okamoto does not teach, nor can it reasonably be considered to have suggested, a receptacle comprising a receptacle body and a closure cap comprising at least two containers each containing a product or an applicator member, as is positively recited in independent claim 85.

Accordingly, reconsideration and withdrawal of the rejection of claim 85 under 35 U.S.C. §102(e) over Okamoto is respectfully requested.

Claims 1 and 68 recite, among other features, an applicator member secured to the housing. The Office Action concedes that neither Chen nor Petruzzi teaches one of the housings having an applicator member. The Office Action asserts that it would have been obvious to one of ordinary skill in the art to provide one of the housings with an applicator member in order to allow the user to conveniently apply the lipstick, crème makeup and eye shadow. However, even assuming that such a modification would have been obvious, one of ordinary skill in the art would not have been motivated to secure such an applicator member to the housing based on the disclosures of the applied references. For example, the configurations of the housings disclosed in Chen and Petruzzi do not teach or suggest using the housings as an applicator handle or the like.

Accordingly, reconsideration and withdrawal of the rejections of claims 1 and 68 under 35 U.S.C. §103(a) over Chen and Petruzzi are respectfully requested.

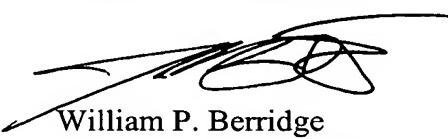
For at least the above reasons, the applied prior art references cannot reasonably be considered to teach, or to have suggested, all of the combinations of features positively recited in independent claims 1, 16, 34, 49, 68 and 85. Additionally, claims 2-9, 11-15, 17-24, 26-33, 35-38, 40-48, 50-57, 59-67, 69-84 and 86-99 are also neither taught, nor would they have been suggested, by the applied prior art references for at least the respective dependence of these claims directly or indirectly on allowable independent claims 1, 16, 34, 49, 68 and 85, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-9, 11-24, 26-38, 40-57 and 59-99 over the various combinations of the applied prior art references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9, 11-24, 26-38, 40-57 and 59-99 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Two-Month Extension of Time
Request for Continued Examination

Date: December 14, 2006

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